

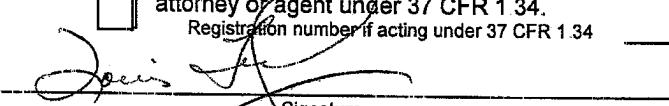
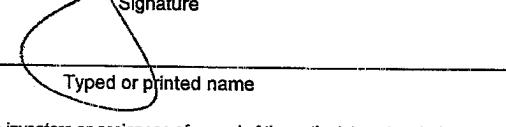
PREVIOUSLY SUBMITTED
AND PREVIOUSLY
PAID FOR

PTO/SB/22 (12-04)

Approved for use through 07/31/2006 OMB 0651-0031

U S. Patent and Trademark Office; U S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)
FY 2005 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		47399-0037 (DOV-18-US)
Application Number 10/709,578		Filed May 14, 2004
For Phenol-Free Phosphites		
Art Unit 1714		Examiner Sanders, Kriellon Antionette
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.		
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):		
	<u>Fee</u>	<u>Small Entity Fee</u>
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		
<input type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.		
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0983. I have enclosed a duplicate copy of this sheet.		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
I am the <input type="checkbox"/> applicant/inventor.		
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96)		
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number 35,730		
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34		
 Signature		24 September 2007 Date
Louis F. Wagner  Typed or printed name		330-258-6453 Telephone Number
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below		
<input checked="" type="checkbox"/> Total of 1 forms are submitted.		

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

<i>Applicant:</i>	Stevenson et al.	<i>Examiner</i>	Sanders, Kriellion Antionette
<i>Serial #:</i>	10/709,578	<i>Art Unit:</i>	1714
<i>Filing Date:</i>	14 May 2004	<i>Date:</i>	21 September 2007
<i>Title:</i>	Phenol-Free Phosphites		

**TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING
REJECTION OVER PRIOR PENDING PATENT APPLICATION(S)**

The owner, Dover Chemical Co. Inc., of one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior applications/patents listed below.

Application Number	Filing Date	Publication Number
10/709,510	11 May 2004	US 2004/0183504 A1
10/086,619	01 March 2002	US 2003/0001136 A1

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns

In making the above disclaimer, the Owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.) the undersigned is empowered to act on behalf of the organization.

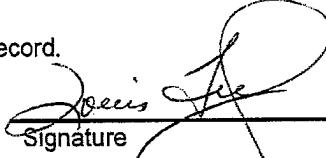
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Dover Chemical Corporation
Stevenson et al.

S/N 10/709,578
24 September 2007
-2-

The undersigned is an attorney or agent of record.


Signature

9/24/2007
Date

Louis F. Wagner
Typed or Printed Name

Terminal disclaimer fee under 37 CFR 1.20(d) included (\$130.00).

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

<i>Applicant:</i>	Stevenson et al.	<i>Examiner:</i>	Sanders, Kriellion Antionette
<i>Serial #:</i>	10/709,578	<i>Art Unit:</i>	1714
<i>Filing Date:</i>	14 May 2004	<i>Date:</i>	24 September 2007
<i>Title:</i>	Phenol-Free Phosphites		

MAIL STOP AMENDMENT AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 C.F.R. §1.132 Declaration

This Declaration by inventor Dr Donald R. Stevenson is submitted in accordance with 37 C.F.R. §1.132.

I, Dr. Donald R. Stevenson, declare as follows:

- 1 I am a co-inventor of the technology described in United States Published Patent Application US 2004/0183054 A1 assigned to Dover Chemical Corporation and titled "Phosphite Ester Additive Compositions", Serial No. 10/709,510, filed on 11 May 2004, which is a continuation-in-part of patent application Serial No. 10/086,619 filed on 01 March 2002, which claims priority upon the following provisional patent applications, namely: Provisional Patent Application Serial No. 60/315,746 filed on 29 August 2001, Provisional Patent Application Serial No. 60,314,181 filed on 16 August 2001; and Provisional Patent Application Serial No. 60/273,303 filed on 02 March 2001 (the "Prior Invention").
- 2 I am also a co-inventor of the technology described in United States Published Patent Application US 2004/0180999 A1 assigned to Dover Chemical Corporation and titled "Phenol-Free Phosphites", Serial No. 10/709,578, filed on 14 May 2004 (the "Instant Invention").
- 3 In responding to the pending office action, notably paragraph nos. 2, and 4-5 of the office action dated 05 April 2007, the Instant Invention was derived from my own previous work or work which I directed be undertaken under my direction, in the Prior Invention, and thus, is not the invention "by another."

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Dover Chemical Corporation
Stevenson et al.

S/N:10709,578
24 September 2007
-2-

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon



9/24/07

Dr. Donald R. Stevenson

Date

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

<i>Applicant:</i>	Stevenson et al.	<i>Examiner:</i>	Sanders, Kriellion Antionette
<i>Serial #:</i>	10/709,578	<i>Art Unit:</i>	1714
<i>Filing Date:</i>	14 May 2004	<i>Date:</i>	24 September 2007
<i>Title:</i>	Phenol-Free Phosphites		

MAIL STOP AMENDMENT AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition for Late Claim to Priority

This Petition by the applicant's attorney, Louis F. Wagner is submitted in accordance with 37 C.F.R. §1.78(a)(2) and 37 C.F.R. §1.78(a)(5)

Enclosures Contained with this Petition

1. Declaration of applicant's attorney (Exhibit A); and
2. Application Data Sheet (Exhibit B).

Statement of Facts Involved

This pending U.S. patent application Serial Number 10/709,578 was filed on 14 May 2004 without any claim to priority. Through the most recent office action, the applicant's attorney has recognized the issues raised by the examiner, and now wishes to claim priority from an earlier filed application, which disclosed, but did not claim the subject matter of the instant invention. The first appreciation of this facet of the disclosure was through the substantive office action issued by examiner Kriellion Antionette Sanders.

1. The claim to priority identified in the instant application is made in a utility application filed after November 29, 2000.
2. The claim to priority is being made outside of the time period of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application.
3. The claim to priority is being requested to be entered as stated in the amendment response filed on 24 September 2007
4. A Petition surcharge as identified under 37 C.F.R. §1.17(t) (\$1,370.00), namely the acceptance of an unintentionally delayed claim for priority, accompanies this Petition.

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Dover Chemical Corporation
Stevenson et al.

S/N: 10/709,578
24 September 2007
-2-

5. The entire delay between the date of the claim was under 37 C.F.R. §1.78(a)(2) and the date this claim is being filed was unintentional.

Subsequent Actions taken by Applicant's Attorney

Applicant's attorney is submitting herewith an Amendment in response to a pending office action received on the instant matter. The substance of the office action by Examiner Sanders has suggested that a properly filed terminal disclaimer in conjunction with a claim to priority to a commonly owned, previously filed patent application would permit various claims to be in a condition for allowance.

The applicant further submits an Application Data Sheet to further comply with the requirement (Exhibit B).

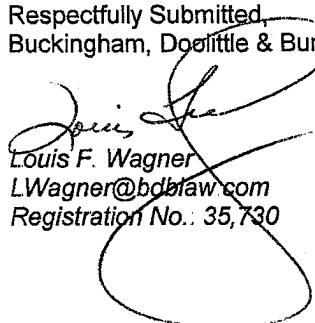
Points to be Reviewed

Applicant petitions for entry of the late claim to priority in this instant pending patent application.

Action Requested

Applicant petitions for entry of this late claim to priority and entry of the attached Application Data Sheet.

Buckingham, Doolittle & Burroughs, LLP
3800 Embassy Pkwy.
Akron, Ohio 44333
(330) 258-6453 (telephone)
(330) 252-5452 (fax)
Attorney Docket #: 47399.0037

Respectfully Submitted,
Buckingham, Doolittle & Burroughs, LLP

Louis F. Wagner
LWagner@bdblaw.com
Registration No.: 35,730

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EXHIBIT A

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	Stevenson et al.	Examiner:	Sanders, Kriellion Antionette
Serial #:	10/709,578	Art Unit:	1714
Filing Date:	14 May 2004	Date:	24 September 2007
Title:	Phenol-Free Phosphites		

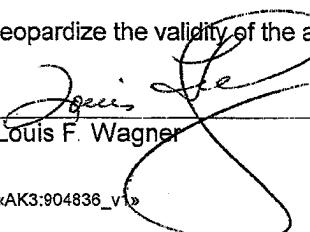
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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

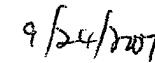
37 C.F.R. §1.132 Declaration

This Declaration by the applicant's attorney, Louis F. Wagner is submitted in accordance with 37 C.F.R. §1.132. I, Louis F. Wagner, declare as follows:

1. The claim to priority identified in the instant application is made in a utility application filed after November 29, 2000
2. The claim to priority is being made outside of the time period of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application.
3. The claim to priority is being requested to be entered as stated in the amendment response filed on 24 September 2007.
4. A Petition surcharge as identified under 37 C.F.R. §1.17(t) (\$1,370.00), namely the acceptance of an unintentionally delayed claim for priority, accompanies this Petition.
5. The entire delay between the date of the claim was under under 37 C.F.R. §1.78(a)(2) and the date this claim is being filed was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.


Louis F. Wagner


Date

«AK3:904836_v»

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EXHIBIT B

PTO/SB/14 (02-07)

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	DOV-18-US
		Application Number	
Title of Invention	Phenol-Free Phosphites		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

Secrecy Order 37 CFR 5.2

<input type="checkbox"/>	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--------------------------	---

Applicant Information:

Applicant 1				
<p>Applicant Authority <input checked="" type="radio"/> Inventor <input type="radio"/> Legal Representative under 35 U.S.C. 117 <input type="radio"/> Party of Interest under 35 U.S.C. 118</p>				
Prefix	Given Name	Middle Name	Family Name	Suffix
Dr.	Donald	R.	Stevenson	
<p>Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service</p>				
City	Dover	State/Province	OH	Country of Residence i
US				
Citizenship under 37 CFR 1.41(b) i				
Mailing Address of Applicant:				
Address 1	301 Oakdale Drive			
Address 2				
City	Dover	State/Province	OH	
Postal Code	44622	Country i	US	
Applicant 2				
<p>Applicant Authority <input checked="" type="radio"/> Inventor <input type="radio"/> Legal Representative under 35 U.S.C. 117 <input type="radio"/> Party of Interest under 35 U.S.C. 118</p>				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mr.	Duong	N.	Nguyen	
<p>Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service</p>				
City	Dover	State/Province	OH	Country of Residence i
US				
Citizenship under 37 CFR 1.41(b) i				
Mailing Address of Applicant:				
Address 1	1114 N. Wooster Avenue			
Address 2				
City	Dover	State/Province	OH	
Postal Code	44622	Country i	US	
Applicant 3				
<p>Applicant Authority <input checked="" type="radio"/> Inventor <input type="radio"/> Legal Representative under 35 U.S.C. 117 <input type="radio"/> Party of Interest under 35 U.S.C. 118</p>				
Prefix	Given Name	Middle Name	Family Name	Suffix
Mr.	Mark	E.	Harr	
<p>Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service</p>				
City	New Philadelphia	State/Province	OH	Country of Residence i
US				

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	DOV-18-US
		Application Number	
Title of Invention	Phenol-Free Phosphites		

Citizenship under 37 CFR 1.41(b) i	US		
Mailing Address of Applicant:			
Address 1	739 3rd Street, NW		
Address 2			
City	New Philadelphia	State/Province	OH
Postal Code	44663	Country i	US

Applicant 4				
Applicant Authority <input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U S C. 117	<input type="radio"/> Party of Interest under 35 U S.C. 118	
Prefix	Given Name	Middle Name	Family Name	Suffix
Mr.	Michael	R.	Jakupca	
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service				
City	Canton	State/Province	OH	Country of Residence i US
Citizenship under 37 CFR 1.41(b) i		US		
Mailing Address of Applicant:				
Address 1	810 37th Street, NW			
Address 2				
City	Canton	State/Province	OH	
Postal Code	44709	Country i	US	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. <input type="button" value="Add"/>				

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
<input type="checkbox"/> An Address is being provided for the correspondence Information of this application.	
Customer Number	24115
Email Address	<input type="button" value="Add Email"/> <input type="button" value="Remove Email"/>

Application Information:

Title of the Invention	Phenol-Free Phosphites		
Attorney Docket Number	DOV-18-US	Small Entity Status Claimed	<input type="checkbox"/>
Application Type	Nonprovisional		
Subject Matter			
Suggested Class (if any)			Sub Class (if any)
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)		5	Suggested Figure for Publication (if any)

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PTO/SB/14 (02-07)

Approved for use through 02/28/2007. OMB 0651-0032
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	DOV-18-US
		Application Number	
Title of Invention	Phenol-Free Phosphites		

Publication Information:

Request Early Publication (Fee required at time of Request 37 CFR 1.219)

Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b)

and certify that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> US Representative (37 CFR 11.9)
Customer Number	24115		

Domestic Priority Information:

This section allows for the applicant to claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status	Pending		<input type="button" value="Remove"/>		
Application Number	Continuity Type		Prior Application Number	Filing Date (YYYY-MM-DD)	
10709578	Continuation in part of		10709510	2004-05-11	
Prior Application Status	Patented		<input type="button" value="Remove"/>		
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
10709510	Continuation in part of	10086619	2001-03-01	6824711	2004-11-30
Prior Application Status	Abandoned		<input type="button" value="Remove"/>		
Application Number	Continuity Type		Prior Application Number	Filing Date (YYYY-MM-DD)	
10086619	non provisional of		60315746	2001-08-29	
Prior Application Status	Abandoned		<input type="button" value="Remove"/>		
Application Number	Continuity Type		Prior Application Number	Filing Date (YYYY-MM-DD)	
10086619	non provisional of		60314181	2001-08-16	
Prior Application Status	Abandoned		<input type="button" value="Remove"/>		
Application Number	Continuity Type		Prior Application Number	Filing Date (YYYY-MM-DD)	
10086619	non provisional of		60273303	2001-03-02	
Additional Domestic Priority Data may be generated within this form by selecting the Add button.					

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PTO/SB/14 (02-07)

Approved for use through 02/28/2007 OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	DOV-18-US
		Application Number	
Title of Invention	Phenol-Free Phosphites		

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

[Remove](#)

Application Number	Country	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			<input checked="" type="radio"/> Yes <input type="radio"/> No

Additional Foreign Priority Data may be generated within this form by selecting the Add button.

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Assignee 1

If the Assignee is an Organization check here.

Organization Name Dover Chemical Corporation

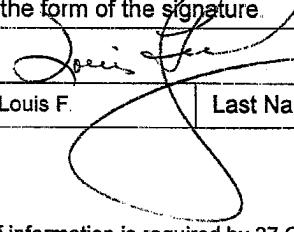
Mailing Address Information:

Address 1	3676 Davis Road, NW		
Address 2			
City	Dover	State/Province	OH
Country	US	Postal Code	44622
Phone Number		Fax Number	
Email Address			

Additional Assignee Data may be generated within this form by selecting the Add button.

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature			Date (YYYY-MM-DD)	2007-09-24	
First Name	Louis F.	Last Name	Wagner	Registration Number	35730

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.